

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KENNETH EID,

Plaintiff,

v.

CASE NO. 06-12392

HON. LAWRENCE P. ZATKOFF

SAINT-GOBAIN ABRASIVES, INC.,

Defendant.

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ORDER

This is a civil matter that is set for trial on June 9, 2008. In its Scheduling Order and again in its Opinion and Order dated December 13, 2007, the Court ordered the parties to submit joint jury instructions on the substantive law in this case. The parties' joint jury instructions were initially due at the Final Pretrial Conference on February 14, 2008; however, the parties failed to submit any proposed instructions at that time, and the Court permitted a brief extension. Yet the parties failed to submit joint jury instructions within the Court's extension. Following several more extensions, on or about May 7, 2008, the parties again submitted jury instructions to the Court. Contrary to the Court's previous orders, these instructions were not jointly agreed upon; rather, the parties still disputed a number of instructions, which disputes, in the Court's view, appear easily resolvable. In short, the parties have failed to comply with the Court's orders. Accordingly,

IT IS ORDERED that the parties shall submit a new set of jury instructions, jointly agreed upon, no later than 5:00 p.m. on May 21, 2008. The joint jury instructions shall set forth the substantive law as it will apply in this case in a clear, concise, and logical manner, including the federal and state laws Plaintiff is invoking, the elements of Plaintiff's claims, the legal standards involved with each element, and the jury's permissible findings. As before, the joint jury

instructions shall not contain any headings or citations.

IT IS FURTHER ORDERED that for each instruction on which the parties cannot agree, the objecting party shall, in writing, no later than 5:00 p.m. on May 21, 2008: (1) identify the instruction at issue; (2) state the basis for the objection; (3) provide a detailed, word-by-word analysis of the instruction explaining why it is objectionable based on specific legal support from controlling Sixth Circuit appellate decisions; and (4) explain why the parties cannot reach an agreement.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: May 16, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 16, 2008.

s/Marie E. Verlinde

Case Manager

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